

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

United States of America,

Plaintiff,

vs.

Criminal Action No. 3:21-cr-49-2

Diana Toebe,

Defendant.

Excerpt of proceedings had in the Detention Hearing
in the above-styled action on October 20, 2021, before the
Honorable Robert W. Trumble, Magistrate Judge, at Martinsburg,
West Virginia.

APPEARANCES

On behalf of the United States of America:

Jarod J. Douglas
Assistant United States Attorney
United States Attorney's Office
P.O. Box 591
Wheeling, West Virginia 26003

Jessica Lieber Smolar
Assistant United States Attorney
United States Attorney's Office
700 Grant Street, Ste. 4000
Pittsburgh, Pennsylvania 15219

The defendant was present in person.

Proceedings reported by means of digital recording; transcript
produced by official court reporter.

Kate A. Slayden, CCR, RPR
217 West King Street, Room 214, Martinsburg, WV
304-267-5688

Exhibit

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APPEARANCES (Continued)

On behalf of the Defendant:

Edward B. MacMahon, Jr., Esq.
107 East Washington Street
Middleburg, Virginia 20118

Barry P. Beck, Esq.
Power, Beck & Matzureff Law Office
308 West Burke Street
Martinsburg, West Virginia 25401

PETER OLINITIS - RECROSS EXAMINATION

1 BY MS. SMOLAR:

2 Q. The three drops that Diana Toebe was present for and aided
3 and abetted her husband with in this case on the July 26th --
4 I'm sorry -- June 26th, July 31, and October 9th, she left her
5 children for those drops; correct?

6 A. Yes.

7 Q. And then finally with regard to the Signal messages that we
8 referred to, there's a discussion in here about more than one
9 plan; correct? Plan A and Plan B?

10 A. Correct.

11 Q. Do any of those plans refer to President Trump?

12 A. No. Not that I know of.

13 MS. SMOLAR: No further questions.

14 THE COURT: Any recross?

15 RECROSS EXAMINATION

16 BY MR. MACMAHON:

17 Q. Sir, you just told us before that this isn't even all the
18 messages. These are the ones you picked out.

19 A. That's correct.

20 Q. Correct. So on the exhibit that you picked out, there's
21 nothing about Donald Trump?

22 A. It has to do with them fleeing the country.

23 Q. Well, that's the way you read it; right? And there are --

24 A. That's what it says.

25 Q. -- other messages that deal with leaving the country

PETER OLINITIS - RECROSS EXAMINATION

1 because of President Trump; right?

2 A. I don't remember specifically but maybe.

3 MR. MACMAHON: That's all, Your Honor.

4 THE COURT: Any redirect?

5 MS. SMOLAR: Nothing further, Your Honor.

6 THE COURT: All right, sir. Thank you. You may step
7 down. Thank you.

8 (Witness excused).

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10 (End of requested testimony.)

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